



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : William Bakker, et al.
For: : **SHRINKING FILM ONTO AN OPEN
TOPPED CONTAINER**
Serial Number : 08/977,374
Appeal No. : 2001-0266
Filed : November 24, 1997
Group Art Unit : 1772
Examiner : W. Watkins III
Attorney Docket No. : PZN 2 0017-1

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CME

DECLARATION UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

1. I, JAMES MALLMANN, Ph.D, do hereby state and declare that I am the Director for the Milwaukee School of Engineering Center for Photonics and Applied Optics. I received a Ph.D from Marquette University in 1977, a Masters of Science degree from the University of Wisconsin-Milwaukee in 1968, and a Bachelors of Science degree from the University of Wisconsin-Milwaukee in 1966.

2. I have reviewed U.S. Patent No. 3,760,154 to *Konger* and am familiar with the technology relating to shrink wrap films as disclosed in the *Konger* '154 patent.

3. I am familiar with the types of transparent films (polyethylene) utilized as shrink wrap material in the *Konger* '154 patent.

4. Based upon my knowledge and familiarity with the types of transparent films utilized in the *Konger '154* patent, and after conducting testing of polyethylene films like those utilized in *Konger* (exposure to light in the spectral range of 450nm to 1600 nm), I submit that when radiant energy is transmitted by transparent film, like that of the *Konger '154* patent, no shrinkage occurs as transparent (polyethylene) films of the type utilized in the *Konger '154* patent do not absorb radiant energy which could cause heating and shrinking of the transparent film as described in the *Konger '159* patent.

5. Further, after reviewing the *Konger '154* patent, I believe that the heating and shrinking of the transparent film utilized by *Konger* would be the result of reflected heat which is generated by a heating tunnel or from heat generated and reflected by the underlying load over which the transparent film is placed or a combination thereof.

6. In conclusion, I submit that radiant energy, alone, would pass through the transparent film of the *Konger '154* patent with no absorption of the radiant energy by the film alone to cause shrinkage thereof.

As the person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

May 11, 2003

A. James Mallmann
A. JAMES MALLMANN, Ph.D.
Director, MSOE Center for Photonics
and Applied Optics